

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Clerk's Minutes  
Before the Honorable James O. Browning

**CASE NO.** No. CIV 95-0024 JB/KBM **DATE:** 10/3/2023

**TITLE:** *McClendon, et al. v. Albuquerque, City of, et al.*

**COURTROOM CLERK:** L. Rotonda **COURT REPORTER:** J. Bean

**COURT IN SESSION:** 1:30 PM **TOTAL TIME:** 1:16

**TYPE OF PROCEEDING:** MOTION HEARING

**COURT RULING/DISPOSITION:**

1. MOTION FOR ORDER TO SHOW CAUSE WHY COUNTY DEFENDANT SHOULD NOT PAY MONETARY PENALTIES FOR REFUSING TO PROVIDE MEDICAL RECORDS [1635](#) – see below.

**ATTORNEYS PRESENT FOR PLAINTIFF(S):** **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Alexandra Smith  
Doreen McKnight  
Nicholas Davis  
Katherine Loewe  
Kelly Waterfall  
Debra Moulton

Taylor Rahn  
Daniel Macke

**PROCEEDINGS:**

**COURT IN SESSION: 1:30 PM**

**COURT:** CALLS CASE, COUNSEL ENTER APPEARANCES.

**MS. SMITH:** ARGUES IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE WHY COUNTY DEFENDANT SHOULD NOT PAY MONETARY PENALTIES FOR REFUSING TO PROVIDE MEDICAL RECORDS (Doc. [1635](#)).

**COURT:** QUERIES MS. SMITH REGARDING OPERATIVE DOCUMENTS, HISTORY OF SUIT.

**MS. SMITH:** RESPONDS TO COURT'S QUERIES.

**COURT:** QUERIES MS. SMITH REGARDING COURT'S ABILITY TO UPHOLD AGREEMENT THAT DOES NOT COMPORT WITH FEDERAL LAW.

**Ms. SMITH:** RESPONDS TO COURT'S QUERIES, RESUMES ARGUMENT.

**Ms. LOEWE:** ADDRESSES COURT REGARDING MOTION.

**Ms. RAHN:** ARGUES IN OPPOSITION OF MOTION.

**COURT:** QUERIES MS. RAHN.

**Ms. RAHN:** RESPONDS TO COURT'S QUERIES.

**Ms. SMITH:** ARGUES IN REBUTTAL AS TO MOTION.

**Ms. LOEWE:** ARGUES IN REBUTTAL AS TO MOTION.

**COURT:** INDICATES DOES THINK THAT THERE IS PATH TO FINDING COUNTY IN CONTEMPT. WILL  
ISSUE SHOW CAUSE ORDER, QUERIES COUNSEL REGARDING WHEN THEY WISH TO HAVE SHOW  
CAUSE HEARING, COUNSEL RESPOND TO SAME.

WILL SET SHOW CAUSE HEARING FOR OCTOBER 12, 2023 AT 8:30 AM.

**COURT IN RECESS: 2:46 PM**